

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 20-cr-252 (WMW/TNL)

Plaintiff,

v.

**ORDER**

Ryan Matthew Muehlberg (7),

Defendant.

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This matter comes before the Court on the Government's Second Unopposed Motion to Extend Motions Response Deadline and Continue Motions Hearing. Mot., ECF No. 469.

On September 15, 2022, Defendant Ryan Matthew Muehlberg filed his pretrial motions, including a motion to suppress evidence obtained by electronic surveillance and a motion to suppress evidence obtained as a result of searches and seizures. *See* ECF Nos. 413-18. The Court has previously extended the deadline for the Government to respond to the pretrial motions based on the parties' involvement in extensive plea negotiations. Mot. at 1; *see also* ECF No. 461 at 1-2. The deadline for the Government to file its response to Defendant's motions is December 9, 2022, and the motions hearing is scheduled for December 28, 2022. Mot. at 1; *see also* ECF No. 461 at 3.

The Government states that the parties have not been able to reach a resolution despite their negotiations. Mot. at 1. The Government seeks a one-week extension of the deadline to file its response to Defendant's motions so it can focus its efforts on responding

to the motions rather than resolution. *Id.* at 1-2. The Government also notes that its counsel is currently in trial in another matter and is traveling for a family matter through December 9, 2022. *Id.* at 2. The Government contends that a one-week extension of its response deadline would ensure that the Government can adequately prepare an informative response to the suppression motions prior to the motions hearing. *Id.* The Government also seeks a continuance of the motions hearing “to a date thereafter acceptable to the Court.” *Id.* Defendant does not oppose the motion. *Id.*

The Court will extend the Government’s deadline to file its response to Defendant’s motions from December 9 to December 16, 2022, as such extension is necessary to provide the Government reasonable time for effective preparation. The Court will not, however, continue the December 28, 2022, motions hearing date. The Court finds that a brief one-week extension of the Government’s response deadline does not necessitate a continuance of the motions hearing, and that there is sufficient time between the December 16 Government response deadline and the December 28 motions hearing for the parties to prepare adequately for the motions hearing.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Government’s Second Unopposed Motion to Extend Motions Response Deadline and Continue Motions Hearing, ECF No. 469, is **GRANTED IN PART** and **DENIED IN PART**.

2. All responses to motions shall be filed by **December 16, 2022**. D. Minn. LR 12.1(c)(2).

3. Any Notice of Intent to Call Witnesses shall be filed by **December 16, 2022**.  
D. Minn. LR. 12.1(c)(3)(A).

4. Any Responsive Notice of Intent to Call Witnesses shall be filed by **December 21, 2022**. D. Minn. LR 12.1(c)(3)(B).

5. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

6. **The motions hearing and trial-related dates will remain scheduled as set forth previously in the Court's November 10, 2022 Order. ECF No. 461.**

7. **If required, the motions hearing shall take place before the undersigned on December 28, 2022, at 10:00 a.m., in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.** D. Minn. LR 12.1(d).

8. **TRIAL:**

- a. **The following trial and trial-related dates are:**

All motions in limine and proposed voir dire and jury instructions are due in District Judge Wilhelmina Wright's chambers at least 21 days before trial begins. Counsel are advised that a pretrial notice will issue that will include additional deadlines.

Judge Wright will hold a pretrial on **January 9, 2023, at 1:00 p.m.** in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

This case must commence trial on **January 17, 2023, at 9:00 a.m.** before Judge Wright in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Judge Wright to confirm the new trial date.**

Dated: December 12, 2022

s/Tony N. Leung  
TONY N. LEUNG  
United States Magistrate Judge  
District of Minnesota

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